

Department of Public Health
and Human Services

Section:
CASE MANAGEMENT

TANF CASH ASSISTANCE

Subject:
Fair Hearing Non-compliance with
FIA/EP or Tribal NEW - Continuation
of Benefits

Supersedes: TANF 702-4 (01/01/06)

References: 45 CFR 261.13 - .15; ARM 37.78.102 and .506; ARM 37.5.307 and .316

GENERAL RULE-- TANF cash assistance may continue, if requested, pending a Fair Hearing decision if the assistance unit is otherwise eligible. All non financial and financial eligibility requirements must be evaluated and met before authorization of benefits.

► **NOTE:** TANF Extended benefit cases are not eligible for continued benefits.

► **FIRST SANCTION FAIR HEARING REQUEST** A sanction is considered imposed when a sanction notice (either A740 or A741 First Sanction Decrease or A604 First Sanction Close Over Income) has been sent. Even if a Fair Hearing and continued benefits are requested, the current Family Assistance Agreement and WoRC Employability Plan (FIA/EP) ends:

1. At the end of the month prior to the sanction penalty month for parents who are required to participate during a sanction penalty month; or
2. At the end of the sanction penalty month for non-parents who are not required to participate during the penalty month.

► Imposing a sanction penalty month (A70, A741 or A604) is an independent adverse action. Subsequently imposing an ineligibility month (A601) following a first sanction is also an independent adverse action. Participants who wish to request a Fair Hearing for both actions must file appeals for both actions.

► The sanctioned non-parent individual must negotiate a FIA/EP prior to the last day for timely notice to avoid case closure and imposition of the ineligibility period. If the sanction notice used was the A740, also send a timely X009 notice stating that unless they negotiate a new FIA/EP before the end of the sanction penalty month, the case will be closed and the ineligibility month will be imposed. If the sanction notice used was the A604, it is not necessary to send the X009 since the case was closed for exceeding income standards.

If the sanctioned individual negotiates a new FIA/EP within the penalty month, the sanction is ended and participation and related procedures continue.

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If the sanctioned individual does not negotiate a new FIA/EP, close the case and send adequate notice informing the individual that the case will be closed the end of the sanction penalty month for the following month. (A601 "Close Ineligibility Mo Imposed.").

**1ST SANCTION
PENALTY MO.
REQUEST FOR
CONTINUED
BENEFITS
PENDING A
FAIR HEARING**

The imposition of a sanction ends the current FIA/EP and a new FIA/EP must be entered in TEAMS before a continued benefit supplement can be issued. Use the 'FHP' (Fair Hearing Pending) code to account for full hours on the sanctioned individual's FIA/EP for one month. Follow the 'FHP' component process outlined later in this section.

NOTE: Continued benefits may be issued if requested between the date of the TEAMS notice of action and the effective date of the action. The request for continued benefits must be in writing.

**1ST SANCTION--
CONT. BENEFITS
REQUESTED
PENDING
A FAIR HEARING
(INELIGIBILITY
MONTH)**

If the household requests a Fair Hearing on the imposition of the ineligibility month after their first sanction, continued benefits **cannot** be issued because the negotiation of a FIA/EP is a basic eligibility requirement. Every effort must be made to get the household in to negotiate a new FIA/EP in the sanction month.

Continued benefits cannot be issued even if the household reapplies and signs a FIA /EP during the ineligibility month. The first available benefits are the first of the month following the ineligibility month.

**2ND &
SUBSEQUENT
SANCTIONS--
CONT. BENEFITS
REQUESTED
PENDING A FAIR
HEARING
(INELIGIBILITY
MONTH)**

The sanction and closure (ineligibility month) occur at the same time. (A609) Therefore, the client only has to request a fair hearing once to address both concerns. Because the imposition of a sanction ends the current FIA/EP, a new FIA/EP must be entered in TEAMS before a supplement can be issued.

Use the Fair Hearing Pending (FHP) code to account for full hours on the sanctioned individual's FIA/EP for one month. Follow the 'FHP' component process outlined later in this section.

NOTE: Continued benefits may issued only if **requested** between the date of the TEAMS notice of action and the effective date of the action. The request for continued benefits must be in writing.

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If the sanctioned individual does not negotiate a new FIA/EP during the ineligibility month, close the case and send TEAMS notice A607 "TC Close No FIA."

**HEARING
DECISION
RECEIVED
(CONTINUED
BENEFITS ISSUED)**

If the Fair Hearing decision is **not in favor of the State**, no action is necessary if continued benefits were issued, because the household already received the benefit.

If the Fair Hearing decision is **in favor of the State**, an overpayment must be established for the one-month period of continued benefits.

**HEARING
DECISION
RECEIVED
(NO CONTINUED
BENEFITS ISSUED)**

The results of the Fair Hearing must be case noted.

If the Fair Hearing decision is **not in favor of the State**, the sanction must be lifted (if imposed) and benefits restored for the one month.

If the Fair Hearing decision is **in favor of the State**, no action is necessary because continued benefits were not issued.

**'FHP'
COMPONENT
TEAMS PROCESS**

The 'FHP' Component code is used ONLY if the participant has provided a written request for a Fair Hearing and continuation of benefits.

1. Enter 'FHP' on **EMPL**. Enter the Start Date as the first of the sanctioned penalty month. Set the End Date for the last day of the sanctioned penalty month.
2. Do not enter anything in the Status Field.
3. Enter the total monthly required participation hours per policy stated in Section 701-1.
4. Enter the Administrative Review/Hearing date, if known, in the free form space below the component.
5. Authorize benefits, if eligible, on EXPD.

NOTE: The participant does not have to sign a FIA/EP with the FHP code or negotiate an employability plan before benefits can be authorized.



If monthly issuance has already taken place, a supplement must be issued on UNAUI. If there is an outstanding overpayment on the case, the supplement will be applied toward the overpayment. Please contact the TANF Policy Specialist for the procedure to make sure the continued benefits are issued in this instance.

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6. Document circumstances and action taken in TEAMS case notes (CANO).
7. Set an alert on ETAL for the date of the Administrative Review/Hearing, if known.

NOTE: The sanctioned individual must request to negotiate a FIA/EP prior to the end of the sanction penalty month to avoid case closure. See request for continued benefits pending a 1st or 2nd and subsequent sanction above.

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